



General Assembly

January Session, 2007

Raised Bill No. 1456

LCO No. 6171

06171_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE COMPENSATION OF PERSONS
WRONGFULLY CONVICTED AND INCARCERATED.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (*Effective from passage*) (a) The advisory commission on
2 wrongful convictions established pursuant to section 54-102pp of the
3 general statutes shall study different procedures for the state to
4 compensate persons who have been wrongfully convicted and
5 incarcerated for a crime which they did not commit. The study shall
6 include, but not be limited to, an examination of the laws and practices
7 of other states and the federal government that authorize the payment
8 of compensation to persons wrongfully convicted and incarcerated.
9 The commission shall consider issues such as eligibility criteria, the
10 application process, the time limitation for filing a claim, the evidence
11 that a claimant must present to support a claim, the standard of proof
12 borne by a claimant, the calculation, amount and method of payment
13 of compensation and whether the claim should be presented to a court
14 or an existing or specially-created agency, board or commission.
- 15 (b) Not later than February 6, 2008, the commission shall report its
16 findings and recommendations for legislation establishing a procedure

17 for the compensation of persons who are wrongfully convicted and
18 incarcerated to the joint standing committee on judiciary in accordance
19 with section 11-4a of the general statutes.

20 Sec. 2. (*Effective from passage*) (a) Notwithstanding the provisions of
21 subdivision (10) of section 12-806 of the general statutes, the
22 Connecticut Lottery Corporation shall transfer the prize funds
23 attributable to a winning lottery ticket that went unclaimed on
24 February 14, 2007, in the amount of three million five hundred
25 thousand dollars to the State Treasurer. The State Treasurer shall, from
26 such funds, make an initial payment of five hundred thousand dollars
27 to James Calvin Tillman as compensation for his wrongful conviction
28 and incarceration from 1989 to 2006, and shall invest the balance of
29 such funds in a manner to ensure annual payments to James Calvin
30 Tillman for the remainder of his life.

31 (b) The payment of compensation to James Calvin Tillman pursuant
32 to subsection (a) of this section shall constitute full and final settlement
33 of all claims of James Calvin Tillman against the state and any political
34 subdivision of the state, and any officer, agent, employee or official
35 thereof, including claims for loss of liberty and enjoyment of life, loss
36 of income, loss of future earnings, physical injury, mental pain and
37 suffering, psychological injury and loss of familial relationships,
38 arising out of, or in any way related to, his arrest, prosecution,
39 conviction and incarceration from 1988 to 2006 for the crimes of
40 kidnapping and sexual assault, which crimes he did not commit and
41 which convictions were vacated and the charges dismissed on July 11,
42 2006, provided James Calvin Tillman, for and in consideration of the
43 payment of such sum, shall execute a release of liability on behalf of
44 himself and his heirs, successors and assigns, in such form as may be
45 prescribed by the Attorney General, releasing and forever discharging
46 the state of Connecticut and any political subdivision of the state, and
47 any officer, agent, employee or official thereof, from every claim,
48 demand, action, cause of action or liability of whatever nature,
49 whether known or unknown, at law or in equity, and whether under

50 federal, state or common law, which James Calvin Tillman ever had,
51 now has or could have in the future arising out of, or in any way
52 related to, such arrest, prosecution, conviction and incarceration.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

Statement of Purpose:

To require the advisory commission on wrongful convictions to study the procedure for the state to compensate persons who have been wrongfully convicted and incarcerated for a crime which they did not commit, and to authorize payment of compensation to James Calvin Tillman for his wrongful conviction and incarceration.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]